

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLAY L. KIRBY,

Defendant.

Case No. 4:17-cr-40030-JPG-1

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Clay L. Kirby's motion to amend his Presentence Investigation Report ("PSR") to reflect his lower criminal history category after application of United States Sentencing Guidelines Amendment 821 (Doc. 86). Amendment 821 lowered Kirby's criminal history category from IV to III. However, apparently the Bureau of Prisons is not reflecting that change in its calculation of the defendant's custody level and First Step Act credit calculations.

The Court entered final judgment in this case in 2018 and no longer has jurisdiction to make additional rulings in the absence of a specific statute or rule authorizing it to do so. The defendant has not cited, and the Court has not located, any authority that permits the Court to amend a PSR after it has entered final judgment. Should the defendant dispute the way the Bureau of Prisons is calculating his sentence, he may file a petition under 28 U.S.C. § 2241 in the district in which he is incarcerated after exhausting his administrative remedies.

The Court **DISMISSES without prejudice** the petitioner's motion to amend his PSR (Doc. 86).

IT IS SO ORDERED.

DATED: September 10, 2024

s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE